

IN RE: PETITION FOR SPECIAL HEARING
SE/Corner Oak Drive and
Clifton Avenue
(2001 Oak Drive)
1st Election District
1st Councilmanic District
Dianna L. Peterson
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-193-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a three-apartment dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as Protestants in the matter were numerous community residents, of whom Nancy Masters and Fred E. Worthington of the Franklinton Community Association, and Catherine M. Hupfl, adjoining property owner, testified as spokespersons.

Testimony indicated that the subject property, known as 2001 Oak Drive, consists of 6,757.7 sq.ft. zoned D.R. 5.5 and is improved with a one and one-half story dwelling currently containing three occupied apartments. Petitioner purchased the subject property from her father's estate in April, 1989. Testimony indicated Petitioner has entered into a contract to sell the property and as part of the title process, filed the instant Petition to establish its nonconforming use as three apartments. Petitioner testified that she was born in 1964 and raised in the subject dwelling. Ms. Peterson testified that at all times to the best of her recollection the dwelling has contained three apartments as depicted on Petitioner's Exhibit 1, with two apartments on the first floor and a third in the basement. Ms. Peterson submitted Petitioner's Exhibit 2 depicting the floor plan for each apartment. Ms. Peterson then asked Ms. Hupfl, adjoining

property owner, to verify the existence of the three apartments. While appearing as a Protestant in this matter, Ms. Hupfl voluntarily admitted that since her move to the area in 1952, the subject property has been used for purposes other than a single family dwelling. She indicated that while she did not have personal knowledge as to the number of apartments and periods of occupancy, she was sure the property was used for greater than a single family dwelling. Ms. Peterson then testified that Ms. Hupfl's cousin had indicated he would appear at the hearing on her behalf but was called out of town at the last minute and requested the opportunity to call him as a witness to present additional supporting evidence.

The case resumed on May 17, 1991 at which time Thomas Getzendanner appeared and testified. Mr. Getzendanner testified he purchased the property known as 2000 Oak Avenue, which is located directly across the street from the subject site, in 1940. Mr. Getzendanner indicated he constructed his home in 1942 and has resided there since then. At that time, the subject property was owned and occupied by a Mr. Earhardt. Mr. Getzendanner indicated Mr. Earhardt also rented out two apartments. Mr. Getzendanner further indicated he believed the property was used as three apartments until Mr. Earhardt's death. Ms. Hupfl testified that since the last hearing, she had checked land records and was able to refresh her memory. Ms. Hupfl testified the property was occupied only as two apartments after Mr. Earhardt's death until its sale approximately 18 to 24 months later to Ms. Peterson's father who then used the property as three apartments.

The Protestants' testimony, as presented by their spokespersons, indicated that their main concern as to granting the relief requested is if the dwelling is not owner-occupied. The Protestants expressed concern that the condition of the property and its maintenance and upkeep would be

- 2 -

lax if the property is not owner-occupied. As explained at the hearing, the issue in this case is whether the subject property may be used only as a single family dwelling or whether it has a valid nonconforming use as a two- or three-apartment dwelling as requested. The zoning regulations do not examine or require a property owner to occupy the property if he or she also intends to rent apartments. The Protestants' testimony regarding the existence of the subject apartments predating the zoning regulations did not dispute that the property's use and occupancy as a two-family dwelling has been continuous and uninterrupted since 1942.

It is rare, and therefore cannot go unnoticed, that two sides who have such strongly felt opposing views and needs still have the composure to present their positions politely, cooperatively and understanding of the other side to insure accurate facts are presented. Both sides in the end were only interested in presenting the truth. The Protestants explained with great care and pride the beautiful neighborhood in which the subject property is located. Many of the Protestants have resided in the area for over 40 years.

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. While Petitioner was unable to establish the existence of a nonconforming three-apartment dwelling, the undisputed testimony indicates that the property has been used continuously and without interruption as a two apartment dwelling.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject

- 3 -

property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978). The undisputed testimony indicated that the use of the subject property as a multi-family dwelling has not changed.

After due consideration of the testimony and evidence presented, it is clear that the use of the subject property as a two-apartment dwelling unit has been continuous and without interruption since prior to the effective date of the zoning regulations and as such, a modification of the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1991, that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-apartment dwelling unit, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within thirty (30) days of the date of this order, Petitioner shall submit a revised floor plan of the two approved apartment units.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement

- 4 -

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-193-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

A. 3 APARTMENT, NONCONFORMING USE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
X DIANNA L. PETERSON
(Type or Print Name)
Dianna L. Peterson
(Signature)
2001 Oak Drive
Ellicott City, Md.
(City and State)

Legal Owner(s):
DIANNA LYNN PETERSON
(Type or Print Name)
Dianna Lynn Peterson
(Signature)
(Type or Print Name)
2001 Oak Drive
Baltimore, Md. 21207
(City and State)

Attorney for Petitioner:
2001 Oak Drive
(Type or Print Name)
Baltimore, Md. 21207
(City and State)
771-2916
(Phone No.)
539-6387
(Phone No.)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Dianna Lynn Peterson
(Name)
1436 Knapp Rd. Jct. Md. 21207
(Address)
539-6387
(Phone No.)

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 18 day of May, 1991, at 2 o'clock

P.M.
FILED 11/2/90 BY ULL
ANY TIME OR DAY
1 HR. HROW TIME
J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

MAP	NW/2E
F.Z.	
E.D.	1
DATE	12-4-91
200	6F
1000	
OP	G

ment Division to make an inspection of the subject property to insure compliance with this Order.

- 4) Any and all future deeds to the subject property shall reference this case and set forth and address the restrictions of this Order.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

May 22, 1991

887-3353

Ms. Dianna L. Peterson
1438 Knapp Road
Jarrettsville, Maryland 21084

RE: PETITION FOR SPECIAL HEARING
SE/Corner Oak Drive and Clifton Avenue
(2001 Oak Drive)
1st Election District - 1st Councilmanic District
Dianna L. Peterson - Petitioner
Case No. 91-193-SPH

Dear Ms. Peterson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, as modified, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Ms. Nancy Masters
1814 N. Forest Park Avenue, Baltimore, Md. 21207

Mr. Fred E. Worthington
5117 Franklinton Road, Baltimore, Md. 21207

Ms. Catherine M. Hupfl
5322 Clifton Avenue, Baltimore, Md. 21207

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 5/24/91
By Ull

- 5 -

HIGHLAND SURVEY ASSOCIATES INC.

4501 FAWN GROVE ROAD
5/FREET, MARYLAND 21154
301-836-1238

ZONING DESCRIPTION

As recorded among the land records of Baltimore County, Maryland in Liber S.M. 8172 folio 768

Beginning at a point on the northeasterly side of Clifton Avenue, said street having a 50 foot right of way; said point being five feet in from the most southerly corner of Lot 10, Block 22, Windsor Terrace as recorded among the land records of Baltimore County, Maryland in plat book W.P.C. 6 folio 180; thence binding on the northeasterly side of Clifton Avenue,

- 1) N 43°05' E 90.32 feet to a point of curvature; thence,
- 2) 24.05 feet along the arc of a curve to the right, having a radius of 15.00 feet; thence binding on the southeasterly side of Oak Drive, said street having a 50 foot right of way,
- 3) N 48°46' E 49.54 feet to a point; thence leaving Oak Drive and running thru and across the center of Lot Seven, Windsor Terrace aforesaid,
- 4) S 43°05' E 103.72 feet to the point in the westerly outlines of Lot Eleven, Windsor Terrace aforesaid; thence binding on said Lot Eleven,
- 5) S 46°55'10" W 65.00 feet to the point of beginning hereof.

CONTAINING 6757.7 square feet of land more or less.

BEING that portion of Lots 10, 9, 8, and one half of Lot 7 Block 22, Windsor Terrace which was conveyed by a deed dated April 7, 1989 from James R. Mudgett, Personal Representative of the estate of Charles R. Butler to Dianna L. Peterson recorded among the land records of Baltimore County, Maryland in Liber 8172 folio 768.

Also known as 2001 Oak Drive and located in the 1st Election District

91-193-SPH



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 3809

receipt

Date: 11/02/90

H5100192

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$175.00
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: PETERSON

D4AD4W00B4MICHRC \$175.00
BA D01036AM11-02-90

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-193-SPH

District: 1st Date of Posting: February 14, 1991

Posted for: Special Hearing

Petitioner: Dianna Lynn Peterson

Location of property: SE/Corner Oak Drive and Clifton Avenue

2001 Oak Drive

Location of Sign: In front of 2001 Oak Drive

Remarks:

Posted by: S.J. Grate Signature Date of return: February 15, 1991

Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-193-SPH

receipt

Date:

H5100192

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$175.00
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: PETERSON

D4AD4W00B4MICHRC \$175.00
BA D01036AM11-02-90

Please Make Checks Payable To: Baltimore County

Cashier Validation:

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

THE JEFFERSONIAN,

S. Zebe Olson Publisher

\$ 51.33

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing Case number: 91-193-SPH SE/Corner Oak Drive at intersection with NE/S Clifton Avenue 2001 Oak Drive 1st Election District Legal Owner(s): Dianna Lynn Peterson Contract Purchaser(s): Nisha Soprey Hearing Date: Friday, Jan. 18, 1991 at 2:00 p.m.
Special Hearing: A three apartment nonconforming use. J. ROBERT HAINES Zoning Commissioner of Baltimore County CATU12120 Dec. 13.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-193-SPH

District: 1st Date of Posting: April 23-91

Posted for: Special Hearing

Petitioner: Dianna Lynn Peterson

Location of property: SE/Corner Oak Drive and Clifton Avenue

2001 Oak Drive

Location of Sign: In front of 2001 Oak Drive

Remarks:

Posted by: S.J. Grate Signature Date of return: April 26-91

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-193-SPH

District: 1st Date of Posting: December 22, 1990

Posted for: Special Hearing

Petitioner: Dianna Lynn Peterson

Location of property: SE/Corner Oak Drive at intersection with NE/S Clifton Avenue

2001 Oak Drive

Location of Sign: In front of 2001 Oak Drive

Remarks:

Posted by: S.J. Grate Signature Date of return: December 27, 1990

Number of Signs: 1

CERTIFICATE OF PUBLICATION

12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

CATONSVILLE TIMES

S. Zebe Olson Publisher

\$ 51.33

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Special Hearing Case number: 91-193-SPH SE/Corner Oak Drive at intersection with NE/S Clifton Avenue 2001 Oak Drive 1st Election District Legal Owner(s): Dianna Lynn Peterson Contract Purchaser(s): Nisha Soprey Hearing Date: Friday, Jan. 18, 1991 at 2:00 p.m.
Special Hearing: A three apartment nonconforming use. J. ROBERT HAINES Zoning Commissioner of Baltimore County CATU12120 Dec. 13.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21201
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 1-3-91

Dianna Lynn Peterson
1438 Knopp Road
Jarrettsville, Maryland 21084

RE:
Petition for Special Hearing
Case Number: 91-193-SPH
SE/Corner Oak Drive at intersection with NE/S Clifton Avenue
2001 Oak Drive
1st Election District - 1st Councilmanic
Legal Owner(s): Dianna Lynn Peterson
Contract Purchaser(s): Nisha Soprey
HEARING: FRIDAY, JANUARY 18, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 76.33 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 28, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
Case Number: 91-193-SPH
SE/Corner Oak Drive at intersection with NE/S Clifton Avenue
2001 Oak Drive
1st Election District - 1st Councilmanic
Legal Owner(s): Dianna Lynn Peterson
Contract Purchaser(s): Nisha Soprey
HEARING: FRIDAY, JANUARY 18, 1991 at 2:00 p.m.

Special Hearing: A three apartment nonconforming use.

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Dianna Lynn Peterson
Nisha Soprey

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 30, 1991

NOTICE OF CONTINUANCE

CASE NUMBER: 91-193-SPH

LEGAL OWNER: Dianna Lynn Peterson

CONTRACT PURCHASER: Nisha Soprey

LOCATION: SE/Corner Oak Drive and Clifton Avenue
2001 Oak Drive

HEARING OF THE ABOVE MATTER, WHICH BEGAN ON JANUARY 18, 1991, WILL CONTINUE ON THURSDAY, MARCH 7, 1991 at 2:00 p.m.

THIS CONTINUANCE WILL TAKE PLACE IN ROOM 106 OF THE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Dianna Lynn Peterson
Nisha Soprey

,pa

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 30, 1991

Dianna Lynn Peterson
1438 Knopp Road
Jarrettsville, Maryland 21084

Re:
Case numbers: 91-193-SPH
Petitioner(s): Dianna Lynn Peterson
Contract Purchaser: Nisha Soprey
Dear Petitioner(s):

Please be advised that \$ 25.00 is due for reposting of the above-referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE CONTINUED HEARING OR THE ORDER SHALL NOT BE ISSUED.

Your anticipated cooperation is appreciated.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY
887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 5, 1991

Dianna Lynn Peterson
1438 Knopp Road
Jarrettsville, Maryland 21084

Re: Case Number(s): 91-193-SPH
SE/Corner Oak Drive and Clifton Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Dianna Lynn Peterson
POSTPONEMENT OF MARCH 7, 1991 HEARING DATE

Dear Ms. Peterson:

This to acknowledge receipt of your correspondence dated March 4, 1991, wherein you requested postponement of the scheduled March 28, 1991 hearing of the above captioned matter.

Accordingly, the case has been pulled from that day's docket. You will be notified when same is reset.

If you have any questions, please feel free to contact me.

Very truly yours,

G. G. Stephens
(301) 887-3391

cc: Franklinton Community Association, c/o Nancy Masters
Resident/5322 Clifton Avenue
Fred E. Worthington

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 3, 1991

Dianna Lynn Peterson
1438 Knopp Road
Jarrettsville, Maryland 21084

Re: Case numbers: 91-193-SPH

Dear Ms. Peterson:

Please be advised that \$ 50.00 is due for reposting of the above-referenced property. This fee covers reposting for both the March 7, 1991 and May 17, 1991 dates.

Please bring your check made payable to Baltimore County, Maryland, as well as the sign and post on the day of the hearing, May 17, 1991, to 111 W. Chesapeake Avenue, Room 113 before the hearing.

Your anticipated cooperation is appreciated.

Very truly yours,

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY
887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 3, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-193-SPH
PETITIONER(S): Dianna Lynn Peterson
LOCATION: SE/Corner Oak Drive and Clifton Avenue
2001 Oak Drive

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

FRIDAY, MAY 17, 1991 at 10:30 a.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Dianna Lynn Peterson
Nisha Soprey
Franklinton Community Association/Nancy Masters
Mrs. Rufful
Fred E. Worthington
Denise Fuller

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 3, 1991

Ms. Dianna Lynn Peterson
2001 Oak Drive
Baltimore, MD 21207

RE: Item No. 192, Case No. 91-193-SPH
Petitioner: Dianna Lynn Peterson
Petition for Special Hearing

Dear Ms. Peterson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Nisha Soprey
2120 Mt. Hebron Drive
Ellicott City, MD 21043

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
2nd day of November, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Dianna Lynn Peterson

Petitioner's Attorney:

received
12/19/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 17, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Caves Valley Club, Inc., Item No. 167
Caves Valley Club, Inc., Item No. 168
Dianna Lynn Peterson, Item No. 192
Charles F. Hohman, Item No. 213
Russell F. Morris, III, Item No. 218
Laura E. Earles, Item No. 220
Herbert Balkanna, Item No. 221
Terrell R. Johnson, Joseph Hartman, Trustees, Item No. 224
Michael Robert Snowman, Item No. 225
Herbert J. Scism, Item No. 226
James Stabler, Item No. 232
Douglas A. Pooley, Item No. 233

In reference to the above-listed cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

NCITEMS/ZAC1

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

101 Rosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 165, 166, 171, 173, 179, 183, 185, 190, 191, 192 and 197.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

received
12/13/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

NOVEMBER 21, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DIANNA LYNN PETERSON

Location: #2001 OAK DRIVE

Item No.: 192 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 19

REVIEWER: *Paul H. Reincke* Noted and Approved *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
11/26/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 16, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for November 20, 1990

The Development Engineering Division has reviewed the subject zoning item and has no comments for items 166, 168, 171, 173, 174, 179, 182, 185, 190, 191, 192, 197 and 199.

Item 184 is subject to the previous County Review Group comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk
DATE: January 23, 1991
FROM: Ann M. Nastorowicz
Deputy Zoning Commissioner
SUBJECT: Petition for Special Hearing
SE/Corner Oak Drive and Clifton Avenue
(2001 Oak Drive)
1st Election District - 1st Councilmanic District
Dianna L. Peterson - Petitioner
Case No. 91-193-SPH

As you know, the above-captioned matter was scheduled for public hearing on January 18, 1991 and was continued at the request of Petitioner to submit additional information. Please reset this matter in for a date in March, 1991. I believe a minimum of one (1) hour should be set aside to hear this case. Notice should be sent to the three Protestants and the Petitioner at her Jarrettsville address, and, of course, the property must be reposted.

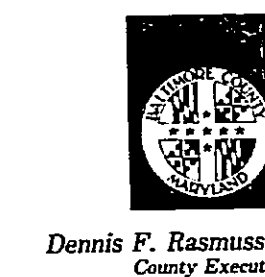
Thank you for your attention in this matter.

AMN:bjs
cc: file

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 587-3353
J. Robert Haines
Zoning Commissioner

November 16, 1990

Ms. Dianna L. Peterson
1438 Knapp Road
Jarrettsville, Maryland 21084
RE: Petition for Special Hearing
2001 Oak Drive
Item No. 192



91-193-SPH

Dear Ms. Peterson:

In response to your letter dated November 2, 1990, the following comments are offered.

I understand your hardship and will make every effort to have your hearing scheduled as timely as possible. By copy of this letter to our Docket Clerk, Gwendolyn Stephens, I am requesting that she arrange for you to have an early hearing as scheduling and the law permits. She will notify you in writing of the scheduled date and time for your hearing.

It is suggested that you obtain legal counsel to represent you at the hearing. While it is not mandatory that you have legal representation, it would be in your best interests to do so as there are substantive legal issues that will need to be addressed at the hearing.

In the meantime, if you have any further questions regarding your hearing date, please contact Ms. Stephens at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Gwendolyn Stephens
216

DATE: November 2, 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Md. 21204

91-193-SPH

Item number 192

Subject Property: 2001 Oak Drive, Baltimore Md. 21207

Dear Mr. J. Robert Haines,

I am requesting you to consider my request for an early hearing due to personal financial hardship which I have been caused due to the zoning office continuing misguiding myself with incorrect information and procedures.

I arrived after several trips to the zoning office to see the zoning officer, Dianna Peterson, who told me on the right path in order to obtain a new conforming use certificate to state that my house has not had been used for construction. I have found a witness to state that since 1942 which is when he purchased his home at 2001 Oak Drive that my house has been used as a apartment.

If I have to move the circumstances to get a new hearing I may lose my buyer and the opportunity to purchase the house we are living in in the dependence of our sale of Oak Drive to be completed. So you see we

To Zoning Commissioner

March 4, 91

This letter is in request to have a postponement due to my need to have surgery on March 7, 91.

I understand this hearing is a second hearing but the surgery can not be helped.

Enclosed is a copy of the surgery necessary.

Thank You
Dianna Peterson
Dianna Peterson

Hearing:

2001 Oak Dr.
Balt. Md. 21207
Apr 9-91

RECEIVED
MAR 4 1991
ZONING OFFICE

Protestants notified by telephone on 3/1/91
Mr. Worthington to be notified by Mr. Nappol

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Dianna Peterson	1438 Knapp Rd Jarrettsville, Md 21084
John Nastorowicz	2000 OAK DRIVE

SAINT JOSEPH HOSPITAL



A Regional Medical Center
7620 York Road
Towson, Maryland 21204

Patient: Dianna Peterson
Procedure: 1st vaporization of cervix
Surgery Date: 3/7/91 Surgery Time: 9:30am
Time to report to Ambulatory Surgery Unit: 3/7/91 at 8:30am
Type of Anesthesia: Local ☐ Local with monitor ☐ General ☐
Local with standby ☐ Neurolept ☒
H & P ☒ SMA -6 ☐ CBC ☒
EKG ☐ SMA screen ☐ CBC without diff ☐
Chest x-ray ☐ Type & screen ☐
Urinalysis ☒ Type & cross ☐
H & H ☐
Others: quantitative HCG

Dianna Peterson
Signature M.D.
DOCTOR'S ORDERS

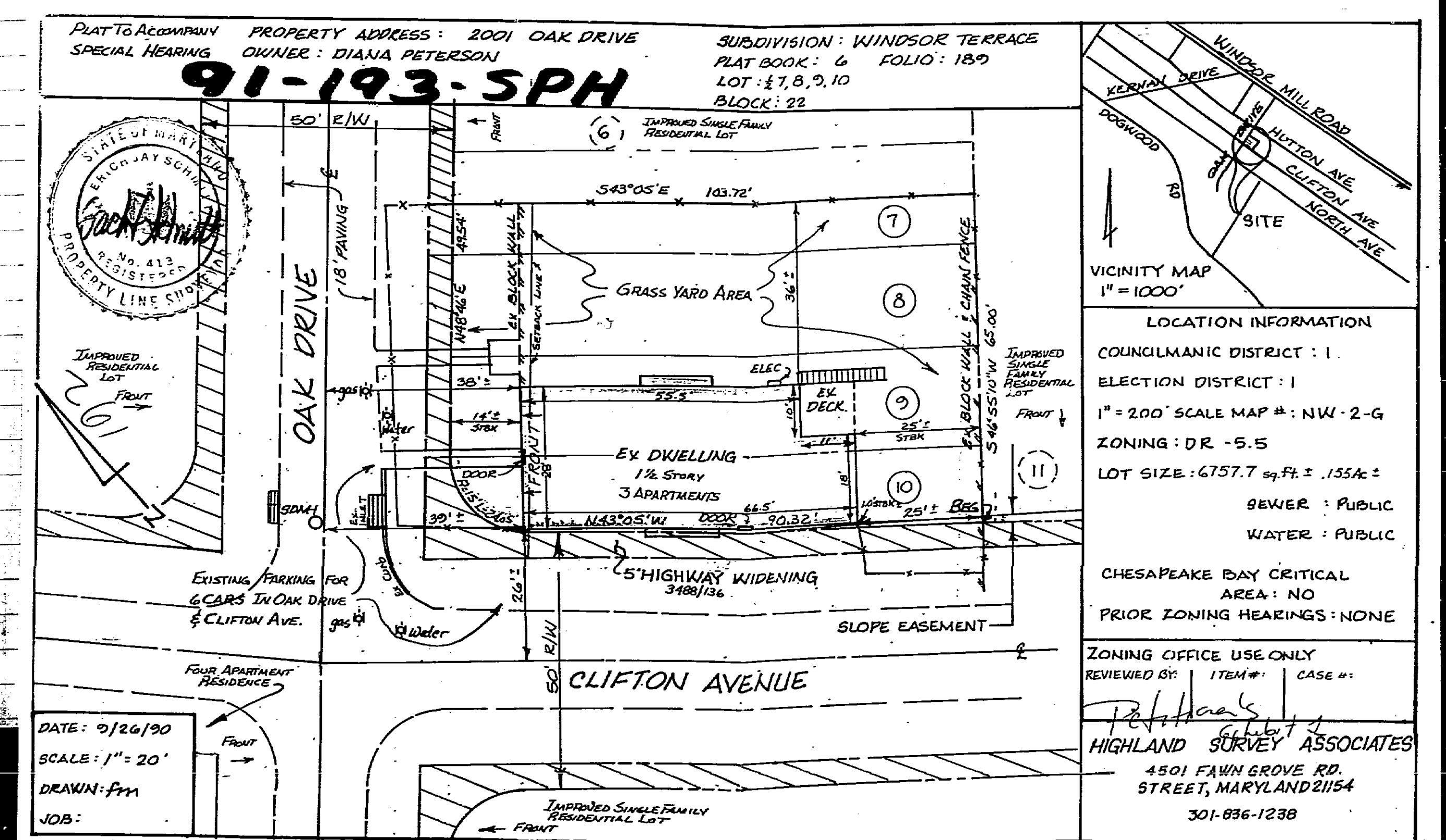
Protest Sign In Sheet

Franklinstown Community Association
Spokesperson: Nancy Matson

1814 N. Forest Park Ave
Baltimore, MD - 21207
448-1654

Charmaine M. Hays, Jr. - Neighbor - Phone - 944-3568
5329 Clifton Ave. - Balt, MD 21207

FRED E. WORTHINGTON
FRANKLINTOWN C.A.
5117 FRANKLINTOWN RD.
BALTIMORE, MD 21207



CASE #: 91-193-SPH



PETITIONER'S EXHIBIT #3

CASE #: 91-193-SPH

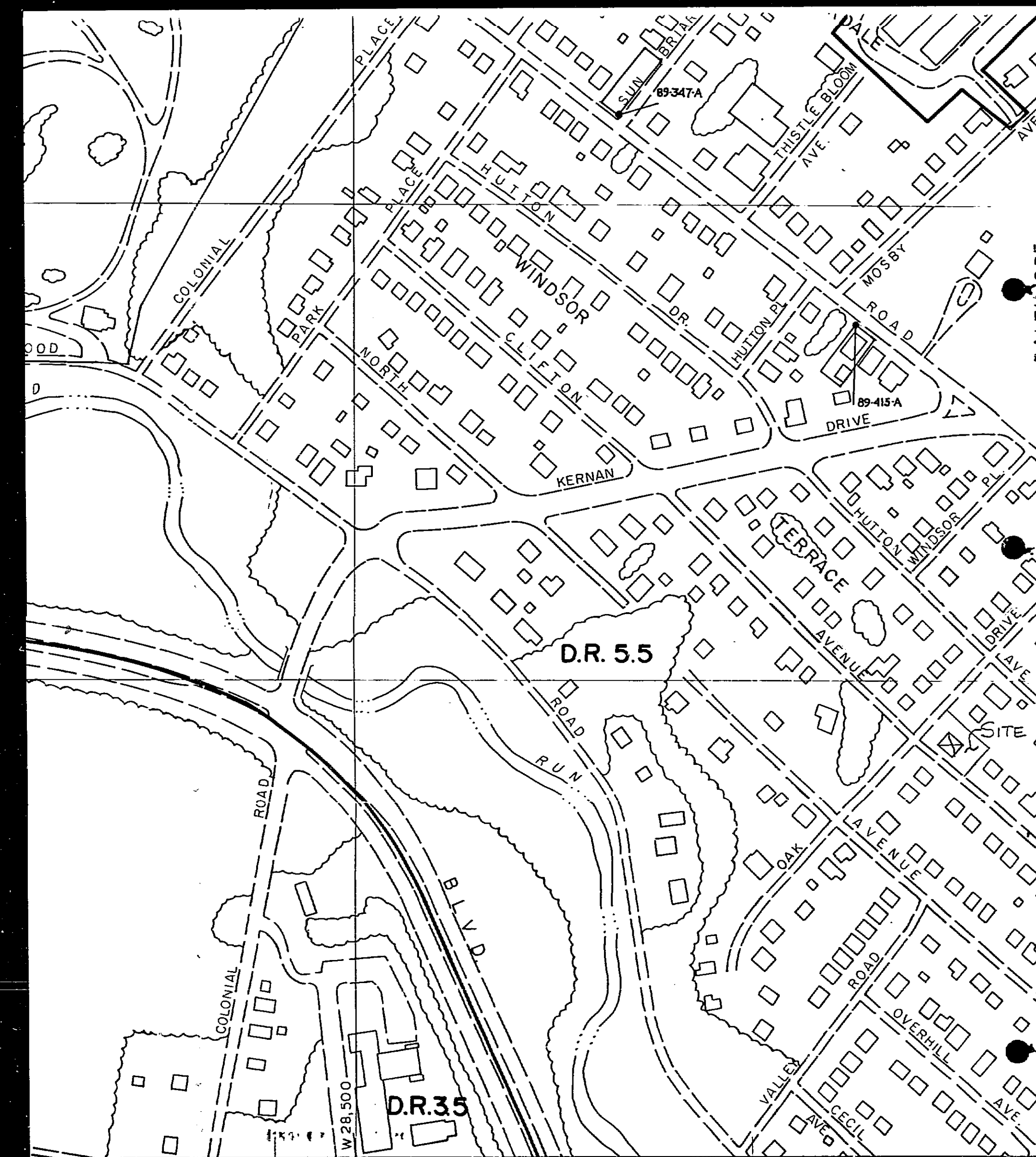


PETITIONER'S EXHIBIT #3

CASE #: 91-193-SPH



PETITIONER'S EXHIBIT #3



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Del. J. B.
Chairman, County Council

BALTIMORE
OFFICE OF PLANNING
OFFICIAL #2

N.W. 2.E. 91-193-SPH

